

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED EMPLOYMENT ASSOCIATES, :
Plaintiff, :

v. :

No. 5:23-cv-3668

LANDMARK CONSTRUCTION :
COMPANY, INC., and PORT CITY :
CONCRETE, INC., :
Defendants. :

ORDER

AND NOW, this 5th day of December, 2024, for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. Defendants' Renewed Motion to Dismiss, ECF No. 27, is **GRANTED**;
2. Counts One, Three, and Five of Plaintiff's Second Amended Complaint against Landmark Construction Company, Inc. are **DISMISSED WITH PREJUDICE** for lack of personal jurisdiction;
3. The Clerk of Court is directed to **TERMINATE** Landmark Construction Company, Inc. as a party to this action;
4. Count Two of Plaintiff's Second Amended Complaint against Port City Concrete, Inc. is **DISMISSED WITH PREJUDICE** for failure to state a claim;
5. Counts Four and Six of Plaintiff's Second Amended Complaint against Port City Concrete, Inc. are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim; and
6. **Within twenty days of the date of this Order**, Plaintiff may file a third amended complaint as to its claims of unjust enrichment and quantum meruit against Port

City Concrete, Inc., only. If Plaintiff fails to timely file an amended complaint, all remaining claims will be dismissed with prejudice.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge